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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,271	02/28/2000	Raymond Senez	1782-014-999	9338
20583	7590	12/02/2003	EXAMINER	
PENNIE AND EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, NY 100362711			PATEL, JAGDISH	
		ART UNIT		PAPER NUMBER
		3624		

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/514,271	SENEZ, RAYMOND
	Examiner	Art Unit
	JAGDISH N PATEL	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) Interview Summary (PTO-413) Paper No(s) _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

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DETAILED ACTION

1. This communication is in response to amendment filed 9/12/03.

Response to Amendment

2. Claims 1-26 are currently pending as presented in the amendment filed 9/12/03. None of the pending claims have been affected by the amendment.

Response to Arguments

3. Applicant's arguments filed with amendment response filed 9/12/03 have been fully considered but they are not persuasive.

The applicant asserts that Kitchen employs a bill presentment service and bills are aggregated by the CF station. While, the examiner agrees with this characterization of Kitchen by the applicant, claim 1 as recited is not distinguished from Kitchen as explained in the following paragraphs.

In particular, the applicant argues that there is simply no suggestion in Kitchen of any process or System which uses an electronic bill format which is sent from one server, the biller server, to the customer which contains "means to communicate the bill payment instructions".

The examiner disagrees with this interpretation of Kitchen in light of the contended recitation of limitations. On the contrary Kitchen clearly teaches these limitations as explained in the following paragraphs.

"the client computer comprise a processor, communication means, a server access program and a display for receiving and viewing from said one more biller servers said bill information and input means for initiating bill payment instructions;

[Note that each client computer (payor stations 120a-d) interacts with the biller servers (biller's stations 110a-d)

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via network 100. The claim limitation requires that at least one client computer (one or more payor stations 120a-d) receives bill information from (one or more) biller servers (biller's stations 110a-d). (Figure 2). Kitchen discloses this limitation as explained before and at col. 6 L 20-28 which reads
"Accordingly, each of the billers represented by stations 110a-
110d can transmit, via the network 100, billing information to
each of the payors represented by stations 120a-120d as
appropriate through the CF station 140)].

Kitchen also discloses:

and wherein said processor integral to the said at least one client computer is responsive to said input means and causes said communication means to communicate said bill payment instructions to said bill processing server when said means for initiating bill payment instruction is selected

[col.7 L 37- 60, A network interface (NI) 455 interconnects the payor station 120 to the network 100.,, Messages transmitted by the CF station 140 to the payor station 120 are received via the network interface 455 and processed..request the available billing related information from the CF station col. 8 L 56-67, refer to "payment instruction and instruction directing the transmission of the instructions..to the CF station"];

Based upon the foregoing analysis, it is concluded that Kitchen clearly anticipates the aforementioned limitations of claim 1.

With respect to the applicant's arguments concerning "means to communicate bill payment instructions" not disclosed by Kitchen, it is noted that Kitchen at col. 8 L 52-55 teaches receipt of bill present information and at col. 8 56-67 as discussed above, teaches means to communicate the payment instructions, refer to "... the payment instruction is received and processed by the processor of the CF station.."

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Accordingly, prior rejections of claims 1-26 have been maintained and this action is made a final rejection.

Statute Cited in Prior Action

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

5. Claims 1,3,8,11,12,14,16,21 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitchen et al. (US Pat. 6,289,322) (hereafter Kitchen)

Claim 1: Kitchen discloses a system for the automated payment of bills comprising:

- (a) a bill processing server connected to a network (CF Station, Fig. 2, network 100);
- (b) one or more financial institution servers connected to said network, wherein a client has at least one banking account associated with at least one of said one or more financial institution servers and a biller has at least one banking account associated with at least one of said one or more financial institution servers (FI station 130a-c, Fig. 2, col. 8 L 46-55, refer to checking accounts maintained by ..payors, and deposit accounts maintained by billers, FI stations also connected to network 100);
- (c) one or more biller servers connected to said network, wherein said client has at least one billing account associated with at least one of said one or more biller servers (Biller stations 110a-d, since billers are service providers and

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merchants issuing bills to clients (payors) billing account of client is inherent);

(d) at least one client computer connected to said network (Payor station 120a-d);

wherein said one or more biller servers includes means to format bill information and bill payment instructions associated with said at least one billing account (col. 6 L 29- col. 7 L 5 formatted billing information is provided to the CF station by the respective biller, this information is required in order that billing information be presented in the same form "as has been provided to the client in hard copy");

and wherein said bill information further includes means for initiating bill payment instructions(detailed billing information ..terms and conditions, col. 7 L 1-5, Fig. 2B and col. 8 L 56-67, payment instruction);

and wherein said at least one client computer comprises a processor, communication means, a server access program and a display for receiving and viewing from said one or more biller servers said bill information, and input means for selecting said means for initiating bill payment instructions (col. 7 L 36-51 "exemplary payor station");

and wherein said processor integral to said at least one client computer is responsive to said input means and causes said communication means to communicate said bill payment instructions to said bill processing server when said means for initiating bill payment instructions is selected (col. 7 L 37-60, A network interface (NI) 455 interconnects the payor station 120 to the network 100.., Messages transmitted by the CF station 140 to the payor station 120 are received via the network

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interface 455 and processed..request the available billing related information from the CF station);

and wherein said bill processing server causes a selected one of said at least one client banking account to be debited and a selected one of said at least one biller banking account to be credited, upon receipt of said bill payment instructions (col. 8 L 46-67, ..the payment instructions are received and processed by the processor 410 of the CF station 140. ..the processor..directs the payment of the applicable bills ..by electronic funds transfer, col. 9 L 1-15, CF processor generates electronic funds transfer instructions);

and wherein said bill processing server reports to a selected one of said one or more biller servers a selected one of said at least one billing account associated with said biller and a credit amount (col. 9 L 15-29, remittance advice information..directly to the biller station 110a-110d..);

and wherein said bill processing server reports to a selected one of said at least one client computer a selected one of said at least one billing account associated with said client and a debit amount (refer to Fig. 13 status (1335)).

(Please also refer to comments/response of the examiner under "Response to Arguments" section above).

Claim 3. The system of claim 1 wherein information identifying said client and said biller banking accounts are stored in said bill processing server (refer to memory 420 which stores in area 420a biller data and in area 420b payor data including their respective account numbers).

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Claim 8. The system of claim 1 wherein said means to communicate bill payment instructions is an icon (col. 13 L 64- col. 14 L 3).

Claim 11. bill payment instructions include a payment amount, a billing account number, an invoice number and a biller identification number (refer to Fig. 11 in view of icon 1120).

Claim 12. The system of claim 1 wherein said at least one client computer is a workstation, laptop, or wireless personal digital assistant (col. 7 L 18-35).

System claims 14, 16, 21, 24 and 25 are analyzed as per corresponding method claims 1, 3, 8, 11 and 12 respectively.

Claim Rejections - 35 USC § 103

6. Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchen as applied to claim 1.

Claim 2 and 15. The system of claim 1 further including a database integral to said bill processing server for correlating said at least one client billing account stored in said bill payment instructions with a unique alphanumeric identifier assigned to said client and stored in said bill processing server, wherein said client is identified by said bill processing server when said bill payment instructions are received by said bill processing server and wherein and wherein said client confirms said bill payment instructions (col. 6 L 29 - 59, biller data 420a and payor data 420b different portions of the ..bill information are stored ..with a respective identifier of the appropriate payor).

Kitchen fails to disclose that a confirmation message is sent to said client upon identification of said client, and the client confirms bill payment instructions prior to said bill

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processing server debiting and crediting said client and biller banking accounts respectively .

Official notice is taken that sending a confirmation message to a payor before affecting the payment according to payment instructions is old and well known.

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate a feature of sending a confirmation message to the client (bill payor) and have the client confirms bill payment instructions prior to affecting the bill payment as claimed because it would assure that the payment is not made inadvertently and that the client verifies that he/she indeed intends to make the payment of the bill which is selected.

7. Claims 4-7, 9, 10, 13, 17-20, 22, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitchen as applied to claim 1 above, and further in view of Remington et al. (US Pat. 6,070,150).

Claims 4-6 and 13. Kitchen fails to disclose, however Remington teaches that bill information is a bill image presentable to said client and said means for formatting said bill information and said bill payment instructions is an HTML form (refer to linkages 226-232 etc. on Fig. 7). The World Wide Web as a network and said server access program as a web browser are discussed (col. 5).

It would have been obvious to one of ordinary skill in the art at the time of invention to format said bill information and said bill payment instructions is an HTML form because it would allow presenting the billing data on the Internet as a web page having links to the host server.

Claim 7. The system of claim 4 wherein said HTML form is contained in an e-mail forwarded by one of said one or more

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biller servers to a selected one of said at least one client computer (refer to Kitchen col. 7 L 52-60).

Claim 9. The system of claim 4 wherein the billing image further includes a biller name, a billing account number, an invoice number, an invoice period, details of activity during said invoice period, and a total amount owed for the invoice period (refer to Fig. 11 of Kitchen).

Claim 10. Kitchen or Remington fail to teach that billing image further includes marketing banners and marketing hypertext links to information stored on said one or more biller servers.

Official notice is taken that including marketing banners and advertisement in the form of hypertext links is old and well known.

It would have been obvious to one of ordinary skill in the art at the time of invention to include marketing banners and marketing hypertext links to the billing image because it would allow targeted marketing to the clients closely related to the service providers or merchants.

Claim 13. Kitchen fails to disclose, however Remington teaches communication between said at least one client computer and said bill processing server is in HTML form using SSL 128 bit encryption (col. 15 L 18-40).

It would have been obvious to one of ordinary skill in the art at the time of invention to utilize one of the available encryption techniques to maintain integrity of financial sensitive data communicated over a public network such as the Internet.

System claims 15, 17-20, 22, 23 and 26 are analyzed as per corresponding method claims 2, 4-7, 9, 10 and 13 respectively.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 3600 is (703) 305-7687. Draft faxes may be submitted directly to the examiner at (703) 746-5563.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 308-1114. Address for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7th Floor, Alexandria VA 22202.

Jagdish N. Patel

(Examiner, AU 3624)

12/1/03